

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHARLES W. PENRY,

Petitioner,

v.

D. HENDRIX, Warden,

Respondent.

MCSHANE, Judge:

Case No. 3:21-cv-00692-MK

ORDER

Magistrate Judge Mustafa T. Kasubhai filed a Findings and Recommendation (ECF No. 10), and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Although Petitioner did not file objections, I review *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 10) is adopted in full. The Petition for Writ of Habeas Corpus (ECF No. 2) is DENIED. A Certificate of Appealability is DENIED because Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

IT IS SO ORDERED.

DATED this 14th day of March, 2022.

/s/ Michael J. McShane
Michael McShane
United States District Judge